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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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DIOMA BURKS,
Plaintiff,
v.
DR. BICK,
Defendant.

No. C 11-00924 SI

**ORDER DIRECTING PLAINTIFF TO
FILE STATEMENT CONCERNING
MOTION TO DISMISS; AND
VACATING SEPTEMBER 2, 2011
HEARINGS**

14 On February 28, 2011, plaintiff Dioma Burks filed this employment discrimination complaint
15 against defendant Dr. Bick, the Health Care Manager at the California Medical Facility in Vacaville,
16 along with a motion for leave to file in forma pauperis (“IFP motion”). Attached to her complaint was
17 a Union grievance that had been filed on her behalf, and a Notice from the EEOC that it was closing its
18 file in her case.

19 The case was initially assigned to a Magistrate Judge. After the case was reassigned to this
20 Court, the Court granted plaintiff’s IFP motion and a summons was issued on May 10, 2011. Defendant
21 then filed a motion to dismiss plaintiff’s complaint. The motion to dismiss is scheduled for hearing on
22 September 2, 2011, and a case management conference is scheduled for that date as well. Plaintiff had
23 until July 26 to file a response to defendant’s motion.

24 Plaintiff has not filed a response to defendant’s motion. Plaintiff has not filed anything with the
25 Court since instituting this case in late February. It is not clear whether plaintiff wishes to continue to
26 prosecute this case. Therefore, **plaintiff is ORDERED to file a written statement with the Court by**
27 **5:00 p.m. on Friday, September 16, 2011**. The statement should either be a response to defendant’s
28 motion to dismiss, or a statement of whether she intends to continue with the prosecution of this case.

1 If plaintiff fails to respond to this Order, she risks having this case dismissed for failure to prosecute.

2 The September 2, 2011 hearing and case management conference are hereby VACATED. The
3 Court will determine whether to reschedule the hearing and conference after it receives plaintiff's
4 statement.

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6 **IT IS SO ORDERED.**

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8 Dated: August 30, 2011

Susan Illston
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10 SUSAN ILLSTON
11 United States District Judge